

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAMEN NEIL VANATTA,

Plaintiff,

v.

ORDER

CHARLES LARSON, JULIE LUDWIG,
CANDACE WHITMAN, and L. BARTOW,

18-cv-901-jdp

Defendants.

After defendants filed a motion for summary judgment, plaintiff Damen Neil Vanatta filed a motion to voluntarily dismiss the case without prejudice. Dkt. 58. Defendants have responded, stating that dismissal with prejudice is appropriate given the resources they have already expended on the case. I gave Vanatta a chance to file a reply, but he did not.

When a motion for voluntary dismissal is filed after a defendant has filed an answer, Federal Rule of Civil Procedure 41(a)(2) provides that the action may be dismissed by the plaintiff “only by court order, on terms that the court considers proper.” Because defendants have been required to defend this action, I agree that dismissal with prejudice is appropriate, meaning that Vanatta will be barred from bringing these claims in any future action.

ORDER

IT IS ORDERED that:

1. Plaintiff Damen Neil Vanatta's motion for voluntary dismissal, Dkt. 58, is GRANTED. This case is DISMISSED with prejudice.
2. The clerk of court is directed to enter judgment for defendants and close this case.

Entered June 16, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge